

**COUNTY COUNCIL**

Jay Furfaro, Chair  
Mason K. Chock, Sr., Vice Chair  
Tim Bynum  
Gary L. Hooser  
Ross Kagawa  
Mel Rapozo  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**


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**MEMORANDUM**

March 13, 2014

TO: Bernard P. Carvalho, Jr., Mayor  
FROM: Jay Furfaro, Council Chair   
RE: **MARCH 12, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its March 12, 2014 Council Meeting:

**CONSENT CALENDAR:**

C 2014-62 Communication (02/18/2014) from the Chair of the Public Access, Open Space, and Natural Resources Preservation Fund Commission, transmitting for Council information, the Commission's 2013 Report, in conformance with the requirement of Ordinance No. 812.  
*(Received for the Record.)*

C 2014-63 Communication (02/19/2014) from Councilmember Hooser, transmitting for Council consideration, a Resolution Appointing a Representative and Alternate to the Executive Committee of the Hawai'i State Association of Counties (HSAC) and Nominating a Representative to Serve as a Director on the National Association of Counties (NACo) Board of Directors, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties.  
*(Received for the Record.)*

C 2014-64 Communication (02/21/2014) from the County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2013-2014, for projected fund deficiencies in the Solid Waste Fund for the following programs:

- a) Solid Waste Recycling – Greenwaste Diversion (\$340,000), Kaua'i Recycles Program (\$290,000), R&M of the Kaua'i Resource Center (\$40,000), and Abandoned Vehicle Disposal (\$30,000)
- b) Solid Waste Disposal – Operation of the Kekaha Landfill (\$350,000), Kekaha Landfill Liner Investigation Work Plan (\$100,000), Additional Storm Water Testing at the Refuse Transfer Stations (\$30,000), and the Līhu'e Transfer Station Sprinkler Line Repair (\$20,000) *(Received for the Record.)*

AN EQUAL OPPORTUNITY EMPLOYER

C 2014-65 Communication (02/21/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2013-2014, to account for both the additional revenue anticipated to be collected and the offsetting expenditures resulting from the Cat Licensing Program. *(Received for the Record.)*

C 2014-66 Communication (02/20/2014) from the Director of Finance, transmitting for Council information, the Period 5 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of November 30, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. *(Received for the Record.)*

C 2014-67 Communication (02/20/2014) from the Director of Finance, transmitting for Council information, the Period 6 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of December 31, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. *(Received for the Record.)*

C 2014-68 Communication (03/05/2014) from Councilmember Kagawa and Councilmember Rapozo, transmitting for Council consideration, a Resolution relating to ongoing initiatives at the legislative and State administrative levels regarding the management of coastal and marine resources around the island of Niihau. *(Received for the Record.)*

#### COMMUNICATIONS:

C 2014-35 Communication (01/16/2014) from the County Attorney, requesting authorization to expend funds up to \$8,000 to retain Special Counsel to represent Henry Barriga in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters. *(Approved.)*

C 2014-36 Communication (01/16/2014) from the County Attorney, requesting authorization to expend funds up to \$8,000 to retain Special Counsel to represent Sherwin Perez in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters. *(Approved.)*

C 2014-58 Communication (02/14/2014) from the County Attorney, requesting authorization to expend funds up to \$15,000 for Special Counsel's continued services provided for Defendant Chris Calio in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. CV13-00202 DKW-BMK (U.S. District Court), and related matters. *(Received for the Record.)*

C 2014-69 Communication (02/13/2014) from the Fire Chief, requesting Council approval to apply for, receive, and expend the 2013 State of Hawai'i, Department of Transportation, Highway Safety Grant in the amount of \$1,574.75, for the purchase of twenty-five (25) pairs of Ringor Barrier 1 extrication gloves to provide the Kaua'i Fire Department (KFD) firefighters with the necessary protection to safely mitigate a vehicle accident. *(Approved.)*

C 2014-70 Communication (02/14/2013) from the Executive on Aging, requesting Council approval to receive and expend State funds, and indemnify the State Executive Office on Aging for their intent to award the following to the County of Kaua'i, Agency on Elderly Affairs:

- 1) Kupuna Care funds in the amount of \$174,252 to provide services for case management, transportation, personal care, homemaker, home delivered meals, and adult day health services;
- 2) Healthy Aging Program funds for Enhance Fitness and Better Choices, Better Health in the amount of \$91,097; and
- 3) Aging and Disability Resource Center (ADRC) funds in the amount of \$26,783. ***(Approved.)***

C 2014-71 Communication (02/20/2014) from Council Chair Furfaro, requesting the presence of the County Engineer to provide an update on the status of the Comprehensive Road Maintenance Plan. ***(Received for the Record.)***

C 2014-72 Communication (02/20/2014) from the Deputy Director of Finance, transmitting for Council information, the 2014 Real Property Assessment List of the County of Kaua'i. ***(Received for the Record.)***

C 2014-73 Communication (02/27/2014) from the Director of Finance, transmitting for Council information, supplemental property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit tax relief measure enacted by the Kaua'i County Council, based on the Real Property Assessment Certification for Fiscal Year 2015 factored with the existing real property tax rates. ***(Received for the Record.)***

C 2014-74 Communication (02/26/2014) from the Director of Finance, transmitting for Council information, the Period 7 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2014, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2014. ***(Received for the Record.)***

#### LEGAL DOCUMENT:

C 2014-75 Communication (02/28/2014) from the Housing Director, requesting Council approval to execute a Ground Lease with Rice Camp Partners, LP (RCP), for Rice Camp Senior Housing situated at Tax Map Key (TMK) Nos. (4) 3-6-009-001 and (4) 3-6-004-009 for a term of sixty-five (65) years for management and operation of the Rice Camp Senior Housing Project.

- Ground Lease ***(Approved as Amended.)***

#### CLAIM:

C 2014-76 Communication (02/28/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Glenn Miyasato, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

**COMMITTEE REPORTS: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2014-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION  
*(Brandon H. Shimokawa – At-Large) (Received for the Record.)*

Resolution No. 2014-09 – RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND NOMINATING A REPRESENTATIVE TO SERVE AS A DIRECTOR ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS *(Approved.)*

Resolution No. 2014-10 – RESOLUTION REQUESTING THAT ISSUES AND EFFORTS AFFECTING THE ISLAND OF NI'HAU BE RESOLVED THROUGH COMMUNITY-BASED DISCUSSIONS AND NEGOTIATIONS AND REQUESTING THE HAWAII STATE LEGISLATURE AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CEASE ONGOING LEGISLATIVE AND ADMINISTRATIVE INITIATIVES TO ADDRESS THE MANAGEMENT OF COASTAL AND MARINE RESOURCES AROUND THE ISLAND OF NI'HAU *(Approved as Amended to Resolution No. 2014-10, Draft 1.)*

**BILLS FOR FIRST READING:**

Proposed Draft Bill (No. 2534) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND *(Solid Waste Disposal Fund, Solid Waste Recycling – Other Services - \$700,000) (Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/09/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

Proposed Draft Bill (No. 2535) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND SOLID WASTE DISPOSAL FUND *(Solid Waste Disposal Fund, Solid Waste Disposal – Other Services - \$500,000) (Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/09/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

Proposed Draft Bill (No. 2536) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Department of Finance – Administration, Special Projects – Kaua'i Humane Society (Cat Licensing Fees) - \$10,000*) (*Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 04/09/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

BILLS FOR SECOND READING:

Bill No. 2515, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (*Deferred to April 23, 2014*)

Bill No. 2529 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Police Department Workers Compensation Medical – \$110,000*) (*Approved.*)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)  
KCT CCs (*Via E-mail*)  
Council Services Staff (*Via E-mail*)